

## **REMARKS**

The Office Action dated January 5, 2007, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 31 and 40 have been amended to particularly point out and distinctly claim the subject matter which is the invention. Claims 5, 35 and 44 have been cancelled. No new matter has been added, and no new issues are raised which require further consideration and/or search. Claims 1, 2, 6-32, 36-41 and 45-48 are submitted for consideration.

Claims 5, 35 and 44 were indicated to include allowable subject matter if rewritten in independent form to include all of the limitations of claims 1, 31 and 40, respectively. The subject matter of claims 5, 35 and 44 have been incorporated in claims 1, 31 and 40, respectively. Therefore, Applicant submits that all of claims 1, 31 and 40 and the dependent claims thereon are now allowable and requests the allowance of all of the presently pending claims.

Claims 5, 35 and 44 were objected to because of informalities. Claims 5, 35 and 44 have been cancelled. Therefore, Applicant requests that this objection be withdrawn.

Claims 5, 35 and 44 were also rejected under 35 U.S.C. 112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter which is the invention. According to the Office Action, there is insufficient antecedent basis for

the limitation “communication during the time”, recited in claims 5, 35, and 44. Applicant notes that each of claims 1, 31 and 40 recites, in part, “establishing the secure tunnel begins before authenticating the user and wherein during a time between a beginning of establishing the secure tunnel with one of the network entities and a beginning of authenticating the user equipment with another of the network entities, the at least one network communicates with the user equipment to confirm that the request from the user equipment to establish a secure tunnel is not part of a denial of service attack. By incorporating the features of claims 5, 35 and 44 in claims 1, 31 and 40, Applicant submits that there is now sufficient antecedent basis for the limitation “communication during the time” in amended claims 1, 31 and 40. Therefore, Applicant requests that this rejection be withdrawn.

Claims 1-48 were again rejected under 35 U.S.C. § 103(a) as allegedly being anticipated by U.S. Patent Publication No. 2002/0174335 (Zhang) in view of U.S. Patent Applicant Publication 20030226017 A1 (Palekar). The Office Action alleged that Zhang teaches all the elements of claims 1-48 except for establishing a secure tunnel is determined based on a protocol or an authentication method. Thus, the Office Action combined the teachings of Zhang with Palekar to yield all elements of the presently pending claims. As noted above, each of claims 1, 31 and 40 now include the features recited in allowable claims 5, 35 and 44. Therefore, Applicant submits that each of claims 1, 31 and 44 and the dependent claims thereon now recite allowable subject matter. Based on the amendments to claims 1, 31, and 44, Applicant respectfully

requests that the rejection under 35 U.S.C. 103(a) be withdrawn and that all of the pending claims be allowed.

As noted previously, claims 1, 2, 6-32, 36-41 and 45-48 recite subject matter which is neither disclosed nor suggested in the prior art references cited in the Office Action. It is therefore respectfully requested that all of claims 1, 2, 6-32, 36-41 and 45-48 be allowed and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



Arlene P. Neal  
Registration No. 43,828

**Customer No. 32294**  
SQUIRE, SANDERS & DEMPSEY LLP  
14<sup>TH</sup> Floor  
8000 Towers Crescent Drive  
Tysons Corner, Virginia 22182-2700  
Telephone: 703-720-7800  
Fax: 703-720-7802  
APN:kh